



UNIVERSITÉ
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United Nations
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In partnership with
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April 2019

Case Morgantina Goddess Statue – Italy and J. Paul Getty Museum

Italy/Italie – J. Paul Getty Museum – Archaeological object/objet archéologique – Post 1970 restitution claims/demandes de restitution post 1970 – Criminal offence/infraction pénale – Statute of limitation/prescription – Illicit excavation/fouille illicite – Illicit exportation/exportation illicite – Ownership/propriété – Negotiation/négociation – Settlement agreement/accord transactionnel – Conditional restitution/restitution sous condition

An ancient statue of a goddess, which was likely illegally excavated in the late 1970s in Italy, was purchased by the J. Paul Getty Museum in 1988 for a record-setting US\$18 million. That same year, Italian authorities began an investigation at the conclusion of which the Getty Museum agreed to consider returning the statue to Italy. In December 2010, the goddess statue arrived in Italy.

I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.

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I. Chronology

Post 1970 Restitution Claims

- **1977-1978:** An ancient statue of a goddess was illegally excavated from, or close to, the ruins of the Sicilian city of Morgantina, in Italy. Subsequently it was acquired by Orazio di Simone, an antiquities dealer.
- **March 1986:** London antiquities dealer Robin Symes purchased the statue from Swiss resident and private collector Renzo Canavesi for US\$400,000.
- **1988:** Symes sold the goddess statue to the J. Paul Getty Museum for US\$18,000,000.
- **1989:** Charges relating to illegal excavation and exportation of the goddess statue were brought against Orazio di Simone in Italy.¹
- **1996:** Canavesi directly approached the Getty Museum to sell “missing pieces” of the goddess statue. He sent copies of photographs to the Museum showing the statue in pieces, before it was cleaned and restored.
- **2001:** Canavesi was found guilty in absentia for receiving stolen property.
- **31 July 2007:** The Italian Ministry of Culture and the Getty Trust reached an agreement to return the goddess statue to Italy.²

II. Dispute Resolution Process

Negotiation – Settlement agreement

- The Italian authorities spent two decades attempting to demonstrate that the goddess statue had been illegally excavated and exported from Italy and hence to obtain its return.
- Wishing to avoid a legal battle with the Italian Government, the Getty Museum hired a team of private investigators to look into acquisition practices and the objects in the Museum’s collection that were suspected of having been looted or sold illegally.
- The investigative team closely looked at the photographs provided by Canavesi in 1996, and found them to have been taken in the early 1980s, making his claim of having possessed the statue prior to 1939 dubious.³ In addition, they examined the pollen from the soil in the statue, which had been collected shortly before purchase and had sat untested at the Getty. Experts for the Museum also examined the statue’s limestone and determined that it matched limestone from Sicily. Based on the evidence gathered, the Museum considered returning the goddess statue to Italy.⁴

¹ Brodie, “Getty Aphrodite.” See also Felch and Frammolino, “The Getty’s Troubled Goddess;” and Felch and Frammolino, *Chasing Aphrodite*, 103-105.

² See “Italian Ministry of Culture and the J. Paul Getty Museum Sign Agreement in Rome”, press release; and Brodie, “Getty Aphrodite;” and Felch and Frammolino, “The Getty’s Troubled Goddess.”

³ 1939 is a suspiciously convenient year, as that is when Italian law prohibiting unauthorized excavation or exportation of antiquities removed from Italian land.

⁴ Frammolino, “The Goddess Goes Home.”

- Furthermore, the Getty convened a workshop of international experts on 9 May 2007 in order to determine where the statue may have been stolen from.⁵ The panel concluded that it was likely illegally excavated from, or near, the ancient Greco-Roman city of Morgantina.⁶
- On 31 July 2007, the Italian Ministry of Culture and the Getty Trust reached an agreement to return the goddess statue to Italy. Previously, the Getty Museum proposed transferring full title of the statue to Italy, provided the statue stayed in California to undergo study. Italy rejected the offer.⁷

III. Legal Issues

Criminal offence – Illicit excavation – Illicit exportation – Ownership – Statute of limitation

- The Italian authorities spent two decades attempting – unsuccessfully – to prosecute all involved in the illegal excavation and exportation of antiquities from the Morgantina archaeological site, and to obtain their return.
- Orazio di Simone was believed to be responsible for the exportation of the goddess statue into Switzerland, where it was bought by Renzo Canavesi. Orazio di Simone was charged with illegal excavation and exportation of antiquities. These charges were dropped in 1992 for lack of evidence.
- Renzo Canavesi provided a statement to Robin Symes that the statue has been in his family’s possession since 1939. The receipt containing this statement was found by the Carabinieri in 1994. Canavesi was found guilty in absentia for receiving stolen property, including the Morgantina statue, in 2001. He was fined the equivalent of US\$18,000,000 and sentenced to two years imprisonment. His imprisonment sentence was later thrown out on appeal because the statute of limitations period had expired.⁸
- Marion True, the then Getty’s antiquities curator who had advised the Museum in the purchase of the goddess statue, was indicted in 2005 for conspiracy to traffic in looted antiquities. She was accused of participating in a conspiracy by laundering looted antiquities through private collections, thereby creating a false paper trail to obscure the objects’ provenance. This same year, she resigned from her position at the Getty. Her trial ended on October 2010 for the expiry of the statute of limitations.⁹

⁵ See http://www.getty.edu/museum/symposia/workshop_goddess.html, and Greenberg (ed.). *Cult Statue of a Goddess*.

⁶ Brodie, “Getty Aphrodite.”

⁷ See “Italian Ministry of Culture and the J. Paul Getty Museum Sign Agreement in Rome”, press release.

⁸ Felch and Frammolino, “The Getty’s Troubled Goddess.”

⁹ Felch, “Charges Dismissed against ex-Getty Curator Marion True by Italian Judge.”

IV. Adopted Solution

Conditional restitution

- In 2007, the Getty Museum and the Italian Government came to an agreement. The Getty would return 40 objects from its collection to Italy, including the goddess statue.¹⁰ In turn, the Italian Government allowed the Getty to keep the statue on display until December 2010.
- In March 2011, the statue arrived in its new permanent home in Aidone, the modern town closest to the archaeological site of Morgantina.

V. Comment

- Prior to purchasing the statue, the Getty consulted many outside experts. Two of them raised questions about the statue's provenance to Marion True, the antiquities curator at the Getty in 1986. Iris Love, an American archaeologist and friend of True, reportedly told True "I beg you, don't buy it. You will only have troubles and problems". Luis Monreal, director of the Getty's Conservation Institute at the time, inspected the statue. Noting recent breaks in the torso of the statue and fresh dirt in the folds of the figure's dress and along the breaks,¹¹ he called the statue a "hot potato" and asked Marion True, John Walsh (the then museum director), and Harold Williams (the then CEO of the Getty Trust), not to purchase it.
- Later, Marion True became a major figure in acquisition reform. In 1995, she committed the Getty to a new collecting policy that essentially pulled the museum from the black market – the museum would now only acquire objects from documented collections.¹²
- A benefit of the statue finally being returned, the provenance decided, and the drama surrounding its modern history is that it is now open to scholarship. Questions about who created the statues, where, and who she represents, are now being explored. Some scholars argue that she represents *Aphrodite*, the goddess of love, beauty, pleasure and procreation, others believe that she represents Persephone, the goddess of fertility and a popular cult figure in the ancient town of Morgantina, while others claim her "matronly" figure and the remains of a veil on her head make it more likely she represents Demeter, Persephone's mother.
- While the priceless information that could have been gleaned from proper excavation is lost forever, the opportunity for scholars to explore the statue without the taint of a foul collection history is as bright an ending as can be hoped for.¹³

¹⁰ For a list of the 40 objects see "Italian Ministry of Culture and the J. Paul Getty Museum Sign Agreement in Rome", press release.

¹¹ It appears that the statue was purposefully broken into three parts to make the exportation easier.

¹² Frammolino, "The Goddess Goes Home."

¹³ Felch, "She's No Longer the Getty Goddess, but Statue Is Still a Puzzle."

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